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PATENT

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In the Application of:
CHAUHAN ET AL.

CASE NO.: BC1032 US NA

SEP 04 2002

SERIAL NO.: 09/823,373

GROUP ART UNIT: 1637

FILED: 30 MARCH 2001

EXAMINER: FREDMAN, J. N.

TECH CENTER 1600/2

FOR: ISOLATION AND EXPRESSION OF A GENE FOR
A NITRILASE FROM *ACIDOVOROX* 72WRESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents
Washington, DC 20231

Sir:

By Non-final Office Action, Paper 6, dated 04 June 2002, the above-referenced application has been made subject to a requirement to restrict. This reply is filed outside the one month shortened statutory period. It is accompanied by a petition for a one month extension of time in which to respond and authorization for the appropriate fee.

The Examiner has taken the position that the following groups of claims are patentably distinct for the reasons of record in the pending restriction requirement:

GROUP I:

✶ Claims 1-5, 9-20, 23, 46, drawn to nucleic acids, classified in class 536, subclass 22.1.

GROUP II

Claims 6-8, drawn to proteins, classified in class 530, subclass 350.

GROUP III

Claims 21, 22, drawn to methods of making nucleic acids, classified in class 435, subclass 6.

GROUP IV

Claims 24-42, drawn to methods of converting carboxylic acids, classified in class 558, subclass 311.

GROUP V

Claims 43-44, drawn to methods of making mutants, classified in class 435, subclass 440

GROUP VI

Claim 45, drawn to a mutated microbial gene, classified in class 536, subclass 23.1

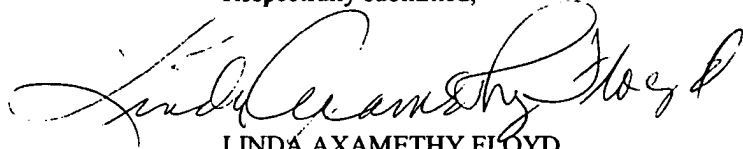
Applicants hereby elect for immediate prosecution the claims of Group I (Claims 1-5, 9-20, 23, 46, drawn to nucleic acids), reserving the right to file divisional applications on the non-elected subject matter. Additionally, as directed on pages 5 and 6 of the restriction requirement, Applicants have further elected:

Restriction SubGroup V (SEQ ID NO. 5)

Restriction SubGroup C (ATCC PTA-1177)

In the event that the restriction requirement is maintained in this application and non-elected process claims are withdrawn from consideration, Applicants request treatment of non-elected process claims as set forth in Official Gazette Notice published in the Off. Gaz. Pat. Office on March 26, 1996. Upon a determination that a product claim is allowable, Applicants request rejoinder of non-elected process claims and examination of such claims on the merits in the above-referenced application.

Respectfully submitted,



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Dated: 21 August 2002



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1637

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/823,373	
	Filing Date	March 30, 2001	
	First Named Inventor	Sarita Chauhan	
	Group Art Unit	1637	
	Examiner Name	Fredman, J.N.	
Total Number of Pages in This Submission	5	Attorney Docket Number	BC1032 US NA

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Neil S. Feltham for Lin Axamethy Floyd, Esq.
Signature	
Date	August 21, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: August 21, 2002			
Typed or printed name	Valencia D. Harper		
Signature		Date	August 21, 2002

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